

# Baker Hostetler

September 10, 2010

BY ECF

Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Ross University School of Medicine Ltd. v. Brooklyn-Queens Health Care Inc. and Wycoff Heights Medical Center (Case No. 09 Civ. 1410 (KAM) (RLM))*

Dear Judge Mann:

As a result of my colleague, George Tzanetopoulos, moving from Mayer Brown LLP's Chicago office to Baker & Hostetler LLP's Chicago office, this firm now represents the plaintiff in this matter. The necessary paperwork to substitute in this firm and relieve Mr. Tzanetopoulos' old firm has already been filed and so ordered by the Court.

I am writing on behalf of all parties to jointly request that all dates under the current scheduling order be adjourned for eight weeks. We also jointly propose adjourning the September 24, 2010 scheduled court conference (with clients in attendance at 9:30 a.m.) until after the conclusion of fact discovery.

Under the current schedule: (1) the conclusion for fact discovery is scheduled for September 15, 2010; (2) plaintiff's Fed. R. Civ. P. 26(a)(2)(B) reports are due on October 5, 2010 with defense reports due on November 5, 2010 and rebuttal reports due 30 days after delivery of the reports to which they respond; and (3) depositions of all experts must be completed by January 14, 2011.

The parties proposed the following new schedule: (1) conclusion for fact discovery will be November 10, 2010; (2) plaintiff's Rule 26(a)(2)(B) reports will be due November 30, 2010, with defense reports due January 7, 2010 and rebuttal reports due 30 days after delivery of the reports to which they respond; and (3) depositions of all experts to be completed by March 11, 2010.

Honorable Roanne L. Mann  
September 10, 2010  
Page 2

The parties believe that fact discovery should be completed before a settlement conference occurs. Accordingly request that the conference scheduled for September 24, 2010 be reset to a date of the Court's convenience after November 10, 2010.

The parties have exchanged some written discovery and produced some documents. Additional fact discovery was and continues to be postponed as the parties are engaged in settlement discussions. If the settlement discussions do not prove fruitful, additional discovery will be necessary. To that end, plaintiff has served and is the process of serving multiple subpoenas on the trustees of the defendant institutions. Depositions and additional document productions by both parties are anticipated should the current settlement discussions fail. The requested time will be needed to complete those fact discovery efforts.

The parties previously made a joint request to adjourn control dates in a prior scheduling order, which was granted on May 3, 2010.

Counsel for both parties respectfully request that Your Honor so order the agreement as set forth above.

Respectfully submitted,



Ryan P. Farley

cc: Walter P. Loughlin (counsel for defendants)